

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

March 12, 2008

6:30 p.m. – Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

March 12, 2008

6:30 P.M. CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a): Existing Litigation: Daniel & Cynthia Imlay vs. City of Westminster; Case No. 07CC02259.

RECESS:

AGENDA

March 12, 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Mayor Pro Tem Quach

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. Recognition of Betty Poole for her years of service on the Commission on Aging and to the community.
- B. Recognition of James Miller for the donation of his vehicle and driving Bank of America representatives in the 2008 TET Parade.
- C. Announcement of the Relay for Life Kickoff – Chairpersons Diane Brackett and Amber Parkins

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

AGENDA

March 12, 2008

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 13, 2008 and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of February 20, 2008.** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Upgrade to the City's 9-1-1 System Customer Premise Equipment (CPE) and related equipment in FY 2007-2008. All costs to be paid from the State of California 9-1-1 Program.** (Andy Hall)

RECOMMENDATION: Staff recommends the Mayor and City Council:

- 1) Approve the Scope of Services with AT&T (Plant CML) for 9-1-1 telephone systems, software, equipment and services; and
- B. Authorize a purchase order with Russ Bassett in an amount not to exceed \$109,232.29 for 9-1-1 telephone systems consoles and equipment.

- 1.3 **Notice of Completion for the work performed by Hardy & Harper Inc., for City-Wide CAPE and Slurry Seals Street Improvements Project – Project No. CAPE 04-05-06** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project, and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

AGENDA

March 12, 2008

1. CONSENT CALENDAR (Continued)

1.4 **Change Order with Process Solutions, Inc. and Notice of Completion for work performed for One On-Site Sodium Hypochlorite Generation Unit for Well 75-A** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve an increase of \$1,200.00 to Purchase Order No. 4649 to Process Solutions, Inc.; and
- 2) Accept the subject project, and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.5 **Purchase of a One-Ton Truck with Flatbed – Unit No. 3003** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the purchase of a One-Ton Truck with Flatbed in the amount of \$40,224.10 from Villa Ford.

1.6 **Fee Waiver request from American Red Cross to hold a Little Saigon Public Safety Town Hall Meeting in the East/West Room of the Community Services Building on Saturday, March 29, 2008 from 11:00 a.m. – 1:00 p.m.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

1.7 **Fee Waiver request from Toastmasters International to conduct a speech contest in the A/B room of the Community Services Building on Saturday, March 29, 2008 from 1:00 p.m – 4:00 p.m.** (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of the City facilities by Community Groups/Non-Profit Organizations.

1.8 **Agreement with the Rosenow Spevacek Group Inc., for Fiscal Consultant Services for the Westminster Redevelopment Agency** (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Chair and Agency Board approve the Fiscal Consultant Services Agreement with Rosenow Spevacek Group for the Westminster Redevelopment Agency in an amount not to exceed \$25,000 and authorize the Executive Director to execute the agreement and future lease renewals on behalf of the Agency.

AGENDA

March 12, 2008

1. CONSENT CALENDAR (Continued)

1.9 Review and Approval of Proposed Amendment to the Agreement with Jones & Mayer for Legal Services.

RECOMMENDATION: That the Mayor and City Council approve the proposed agreement amendment.

ADMINISTRATIVE ITEMS

1.10 Special Event Permit application from the Vietnamese American Community of Southern California (VACSC) to hold a Black April Commemoration Ceremony on Saturday, April 26, 2008 between the hours of 4:00 p.m. and 9:00 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way. Applicant estimates the attendance will be 1000 people. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

1.11 Special Event Permit application from the Vietnam War Memorial Committee to hold a Memorial Ceremony on Sunday, April 27, 2008 between the hours of 8:00 a.m. and 8:00 p.m. (includes set up and clean up times). The event will take place at Sid Goldstein Freedom Park, 14180 All American Way. Applicant estimates the attendance will be 500 people. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report.

1.12 Special Event Permit application from the King Hung Oversea Foundation to hold a Festival and Musical Show at the Civic Center Sunken Gardens and a Ceremony at Sid Goldstein Freedom Park. The event will take place on Friday, April 11, 2008 through Sunday, April 13, 2008. Event set up will be Friday from 5:00 until 10:00 p.m.; The Festival will begin Saturday from 10:00 a.m. until 10:00 p.m. and Sunday from 10:00 a.m. until 8:00 p.m.(includes clean up time). Applicant estimates the attendance will be 1000 people throughout the event. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Special Event Permit application subject to the conditions attached to the staff report. However, the applicant's request to conduct a procession/parade on All American Way from the Civic Center Sunken Gardens to Sid Goldstein Freedom Park was not approved due to the impact of a closure to a public street, as Police vehicles must have free access to 13th Street and All American Way at all times. Applicant may consider conducting procession/parade on the public sidewalk as done in previous years.

AGENDA

March 12, 2008

1. CONSENT CALENDAR (Continued)

WARRANT REGISTER

1.13 (City Council/Redevelopment Agency) Warrant Register dated February 20 through March 4, 2008. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

1.14 Minutes of the Planning Commission dated February 6, 2008 (Don Anderson)

RECOMMENDATION: Receive and file.

1.15 Treasurer's Report – January 2008 (Paul Espinoza)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED GREEN FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on March 5, 2008

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of March 5, 2008.

- 1) Case 2006-87 (Conditional Use Permit) three month review of Luc Huyen Cam restaurant's beer and wine on-sale permit at 14541 Brookhurst Street, Suites B5 and B6; and
- 2) Case 2007-51 (Tentative Parcel Map, Site Plan Review and Design Review) proposal for a four unit residential condominium project at 7901 13th Street.

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

AGENDA

March 12, 2008

4. PUBLIC HEARINGS (Continued)

4.1 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CASE NO. 2007-52 (VARIANCES); LOCATION: 7781 13TH STREET; APPLICANT/APPELLANT: GERALD ALSTADTER, PROPERTY OWNER OF RECORD (Don Anderson)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant/Appellant

Others Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4144 entitled "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's decision to deny Case No. 2007-52 pertaining to setback and parking variances for a detached accessory structure located at 7781 13th Street".

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

5.3 Request for funds in the amount of \$75,000 from the City to the Rose Center Foundation for the Westminster Rose Center. (Mayor Rice)

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Award of Contract for AHRP 06-07 Street Improvement project for Trask Avenue from Beach Boulevard to Newland Street, Federal-Aid project number STPL-5338 (037); Goldenwest Street from Bolsa Avenue to Hazard Avenue, Federal-Aid project number STPL 5338 (038); and Magnolia Street from Edinger Avenue to I-405 Freeway, Federal-Aid project number STPL 5338 (039) (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract to the low qualified bidder Ortiz Asphalt Paving, Inc. in the amount of \$2,277,736.32; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.2 (City/Agency) Mid-Year Amendments to the Fiscal Year 2007-08 Budget
(Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor/Chair and City Council/Agency Board approve amendments to the fiscal year 2007-08 Municipal Budget, as outlined in the Fiscal Impact Section of the Staff Report.

7. WRITTEN COMMUNICATIONS (Public) –None

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS – None

10. COUNCIL/AGENCY ADJOURNMENT:

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary